

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS
MINUTES
MADISON, WISCONSIN
MARCH 29, 2001**

PRESENT: Joan Underwood (until 11:14)*, Stephen Donohue, Herbert Garn, Tracy Benzel, Thomas Evans Patrick McGuire*, Robert Karnauskas* and Fred Birts*. *Members participated by teleconference.

EXCUSED: David Mickelson, Wayne Lindgren, Jerry Tyler, Roger Hall

STAFF PRESENT: Alfred Hall Jr. and Becky Fry; William Black, Legal Counsel; Wayne Austin, Legal Counsel, for a portion of the meeting

CALL TO ORDER

Steve Donohue, Vice Chair, called the meeting to order at 10:07 a.m. A quorum of eight members was present.

ADOPTION OF AGENDA

MOTION: Thomas Evans moved, seconded by Herbert Garn, to approve the agenda, as published. Motion carried unanimously.

APPROVAL OF MINUTES (2/21/01)

MOTION: Fred Birts moved, seconded by Herb Garn, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Acting Secretary William J. Conway

Mr. Hall reported Acting Secretary William J. Conway would not be addressing the Board because he is attending a cabinet meeting. When a new secretary has been appointed the Department will let the Board know.

Bureau Director's Report

- **Board Roster**

The Board noted the current roster included in the agenda packet. Minor corrections were made.

The Board received a copy of Frederick R. Birts March 5, 2001, letter, declining reappointment to the Professional Geologists Section of the Examining Board of Professional Geologists,

Hydrologists and Soil Scientists. However, Mr. Birts has agreed to continue to serve after the expiration of his term, if a new member has not been nominated.

- **2001 Meeting Dates**

The Board noted the 2001 meeting dates.

- **Regulatory Digest**

The Board acknowledged June 15, 2001 is the August 2001 digest deadline. The Board recommended including the following digest articles: department reorganization; a definition of practice; geology exam revision; Association of State Boards of Geology (ASBOG) question writing workshop report; requirement of certificate of authorization for all sole proprietors, firms or corporation who practice or offer to practice any professions licensed and regulated by the board and clarification of the need for licensure if practicing or offering to practice professional geology, professional hydrology or professional soil science.

Mr. Hall briefed the Board on the proposed Department reorganization and stated the new secretary's biographical information would be included in the August 2001 Regulatory Digest.

- **To-Pass Folder**

No To-Pass Folder was circulated.

ADMINISTRATIVE RULES

Update of CR 00-139 An Order To Create GHSS 1.07 Relating to Creating a Rules Committee Clearinghouse Report to Agency

Mr. Hall reported the proposed rules creating a Rules Committee were submitted to the Legislative Standing Committee. The committee has 30 days to review the rule and if they do not have any comments the rule will be returned to the Board for final adoption. A teleconference meeting of the GHSS Joint Board is scheduled for 8:30 a.m. on May 22, 2001, for adoption of the rules. The Professional Hydrologists Section meeting will convene upon adjournment of the Joint Board meeting.

The Board moved agenda item #11 – Miscellaneous Correspondence/Information up on the agenda to facilitate discussion prior to the lack of a quorum after 11:15.

BOARD MEMBER ACTIVITY

Professional Geologist Section Report

Discussion was deferred to next meeting.

Professional Hydrologist Section Report

Discussion was deferred to next meeting.

Professional Soil Science Section Report

Discussion was deferred to next meeting.

PRACTICE ISSUES

Clarification of a Sole Proprietorship and the Requirement of a Certification of Authorization

Discussion was deferred to next meeting.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Suggested Statutory Change – Chapter 470, 12/08/00, Osten

The Examining Board received copies of Tracy Benzel's March 28, 2001, memo and information relating to administrative codes identifying practices substantively containing soil science specifications.

The Examining Board discussed how the licensure and regulation of professional geologists, hydrologists and soil scientists impacts on the practice on other non-regulated professions such as wetland scientists and limnologists, and the desire to develop consistency between the rules of Board and other agencies; Department of Natural Resources (DNR), Department of Commerce (DOC), and Department of Agriculture, Trade and Consumer Protection (DATCP)].

The Board discussed the lack of a definition for "incidental practice" and whether such practice needs some type of exemption from the regulation of professional practice in the administrative code or statutes. It was determined any person performing or offering to perform substantive practices related to the professions of geology, hydrology or soil science are required to be licensed.

Mr. Austin explained in medical practice "incidental practice" would be considered as practice incorporating some of the elements of the Board's practices.

A suggestion was made to recommend the creation of an advisory committee to enhance communication with the agencies whose rules and statutory authority have an adverse impact on the Board's licensure requirements.

MOTION: Joan Underwood moved, to recommend the establishment of an advisory committee to make recommendations to respective agencies concerning actions to be taken to resolve the discrepancies in the code. Motion died for lack of a second.

MOTION: Joan Underwood moved, seconded by Thomas Evans, to request the establishment of an advisory committee to meet with DNR and other affected agencies, to identify administrative rules which conflict with regulatory authority and to determine the process for revising the

conflicting rules of the respective agencies. The committee will make recommendations to the Board. It will consist of a designated professional member from each Section. Motion carried unanimously.

The Advisory Committee members include Bob Karnauskas, Joan Underwood with Tom Evans as alternate, and Tracy Benzel.

Joan Underwood left the meeting at this point.

Requirements for Practicing Professional Geology and Professional Hydrology, 2/27/01, Black

Discussion was deferred to next meeting.

NCR 712 and Professional Geologist Licensure, 3/5/01, Black

Discussion was deferred to next meeting.

NEW BUSINESS

None.

ADJOURNMENT

MOTION: Tracy Benzel moved, seconded by Herb Garn, to adjourn the meeting at 11:24 a.m. Motion carried unanimously.